

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Dorothy G. Burwell,	)	C/A No. 6:04-1358-RBH
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
American Retirement Corporation,	)	
d/b/a Homewood Residence at	)	
Cleveland Park,	)	
	)	
Defendant.	)	
	)	

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The plaintiff in her complaint alleges against the defendant, her former employer, five causes of action: age discrimination in violation of the Age Discrimination in Employment Act (“ADEA”), retaliation in violation of the ADEA, breach of contract, breach of covenant of good faith and fair dealing, and breach of contract accompanied by a fraudulent intent.

In accordance with 28 U.S.C. § 636(b)(1)(A) and Local Civil Rule 73.02 this matter comes before the Court with the Report and Recommendation of United States Magistrate William M. Catoe filed April 11, 2005. This Court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b).

Based on his review of the record, the Magistrate Judge concluded that the defendant’s motion for summary judgment be granted on the plaintiff’s age discrimination and retaliation claims and that this Court should decline to exercise jurisdiction over the remaining state law claims. No objections

have been filed in this case.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the report and recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to him with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has reviewed the Report, pleadings, memoranda, and applicable law. The Court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, summary judgment is **GRANTED** to the defendant as to the plaintiff's age discrimination and retaliation claims. This Court declines to exercise jurisdiction over the remaining state law claims and, consequently, they are **DISMISSED**.

**IT IS SO ORDERED.**

s/ R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge

May 2, 2005  
Florence, SC